

June 30, 1932, as amended” because of section 4(b) of the Act of September 13, 1982 (Public Law 97-258, 96 Stat. 1067), the first section of which enacted Title 31, United States Code. The words “Administrator of General Services” are substituted for “Public Buildings Administration” because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title. The words “Secretary of State” are substituted for “State Department” because of 22:2651.

### § 3177. Use of photovoltaic energy in public buildings

#### (a) PHOTOVOLTAIC ENERGY COMMERCIALIZATION PROGRAM.—

(1) IN GENERAL.—The Administrator of General Services may establish a photovoltaic energy commercialization program for the procurement and installation of photovoltaic solar electric systems for electric production in new and existing public buildings.

(2) PURPOSES.—The purposes of the program shall be to accomplish the following:

(A) To accelerate the growth of a commercially viable photovoltaic industry to make this energy system available to the general public as an option which can reduce the national consumption of fossil fuel.

(B) To reduce the fossil fuel consumption and costs of the Federal Government.

(C) To attain the goal of installing solar energy systems in 20,000 Federal buildings by 2010, as contained in the Federal Government’s Million Solar Roof Initiative of 1997.

(D) To stimulate the general use within the Federal Government of life-cycle costing and innovative procurement methods.

(E) To develop program performance data to support policy decisions on future incentive programs with respect to energy.

#### (3) ACQUISITION OF PHOTOVOLTAIC SOLAR ELECTRIC SYSTEMS.—

(A) IN GENERAL.—The program shall provide for the acquisition of photovoltaic solar electric systems and associated storage capability for use in public buildings.

(B) ACQUISITION LEVELS.—The acquisition of photovoltaic electric systems shall be at a level substantial enough to allow use of low-cost production techniques with at least 150 megawatts (peak) cumulative acquired during the 5 years of the program.

(4) ADMINISTRATION.—The Administrator shall administer the program and shall—

(A) issue such rules and regulations as may be appropriate to monitor and assess the performance and operation of photovoltaic solar electric systems installed pursuant to this subsection;

(B) develop innovative procurement strategies for the acquisition of such systems; and

(C) transmit to Congress an annual report on the results of the program.

#### (b) PHOTOVOLTAIC SYSTEMS EVALUATION PROGRAM.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Administrator shall establish a photovoltaic solar energy systems evaluation program to evaluate such photovoltaic solar energy systems as are required in public buildings.

(2) PROGRAM REQUIREMENT.—In evaluating photovoltaic solar energy systems under the program, the Administrator shall ensure that such systems reflect the most advanced technology.

#### (c) AUTHORIZATION OF APPROPRIATIONS.—

(1) PHOTOVOLTAIC ENERGY COMMERCIALIZATION PROGRAM.—There are authorized to be appropriated to carry out subsection (a) \$50,000,000 for each of fiscal years 2006 through 2010. Such sums shall remain available until expended.

(2) PHOTOVOLTAIC SYSTEMS EVALUATION PROGRAM.—There are authorized to be appropriated to carry out subsection (b) \$10,000,000 for each of fiscal years 2006 through 2010. Such sums shall remain available until expended.

(Added Pub. L. 109-58, title II, §204(a), Aug. 8, 2005, 119 Stat. 653.)

#### REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (b)(1), is the date of enactment of Pub. L. 109-58, which was approved Aug. 8, 2005.

### CHAPTER 33—ACQUISITION, CONSTRUCTION, AND ALTERATION

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#### AMENDMENTS

2016—Pub. L. 114-235, §2(b), Oct. 7, 2016, 130 Stat. 965, added items 3314 to 3317 and struck out former items 3314 “Delegation”, 3315 “Report to Congress”, and 3316 “Certain authority not affected”.

2007—Pub. L. 110-140, title III, §323(c)(2), Dec. 19, 2007, 121 Stat. 1591, added items 3313 to 3316 and struck out former items 3313 “Delegation”, 3314 “Report to Congress”, and 3315 “Certain authority not affected”.

### § 3301. Definitions and nonapplication

#### (a) DEFINITIONS.—In this chapter—

(1) ALTER.—The term “alter” includes—

(A) preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the alteration of a public building; and

(B) repairing, remodeling, improving, or extending, or other changes in, a public building.

(2) **CONSTRUCT.**—The term “construct” includes preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the construction of a public building.

(3) **EXECUTIVE AGENCY.**—The term “executive agency” means an executive department or independent establishment in the executive branch of the Federal Government, including—

(A) any wholly owned Government corporation;

(B) the Central-Bank for Cooperatives and the regional banks for cooperatives;

(C) federal land banks;

(D) federal intermediate credit banks;

(E) the Federal Deposit Insurance Corporation; and

(F) the Government National Mortgage Association.

(4) **FEDERAL AGENCY.**—The term “federal agency” means an executive agency or an establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under the direction of the Architect).

(5) **PUBLIC BUILDING.**—The term “public building”—

(A) means a building, whether for single or multitenant occupancy, and its grounds, approaches, and appurtenances, which is generally suitable for use as office or storage space or both by one or more federal agencies or mixed-ownership Government corporations;

(B) includes—

(i) federal office buildings;

(ii) post offices;

(iii) customhouses;

(iv) courthouses;

(v) appraisers stores;

(vi) border inspection facilities;

(vii) warehouses;

(viii) record centers;

(ix) relocation facilities;

(x) telecommuting centers;

(xi) similar federal facilities; and

(xii) any other buildings or construction projects the inclusion of which the President considers to be justified in the public interest; but

(C) does not include a building or construction project described in subparagraphs (A) and (B)—

(i) that is on the public domain (including that reserved for national forests and other purposes);

(ii) that is on property of the Government in foreign countries;

(iii) that is on Indian and native Eskimo property held in trust by the Government;

(iv) that is on land used in connection with federal programs for agricultural, recreational, and conservation purposes, including research in connection with the programs;

(v) that is on or used in connection with river, harbor, flood control, reclamation or

power projects, for chemical manufacturing or development projects, or for nuclear production, research, or development projects;

(vi) that is on or used in connection with housing and residential projects;

(vii) that is on military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense);

(viii) that is on installations of the Department of Veterans Affairs used for hospital or domiciliary purposes; or

(ix) the exclusion of which the President considers to be justified in the public interest.

(6) **UNITED STATES.**—The term “United States” includes the States of the United States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(b) **NONAPPLICATION.**—This chapter does not apply to the construction of any public building to which section 241(g) of the Immigration and Nationality Act (8 U.S.C. 1231(g)) or section 1 of the Act of June 26, 1930 (19 U.S.C. 68) applies.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1156.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3301(a)(1) ....	40:612(2), (5), (6).	Pub. L. 86–249, §13, Sept. 9, 1959, 73 Stat. 482; Pub. L. 90–448, title VIII, §807(f), Aug. 1, 1968, 82 Stat. 544; Pub. L. 101–73, title VII, §744(g), Aug. 9, 1989, 103 Stat. 438; Pub. L. 102–54, §13(o), June 13, 1991, 105 Stat. 278; Pub. L. 104–208, div. A, title I, §101(f) [title IV, §407(b)], Sept. 30, 1996, 110 Stat. 3009–338.
	40:612a(1).	Pub. L. 94–541, title I, §105(1), (2), Oct. 18, 1976, 90 Stat. 2507.
3301(a)(2) ....	40:612(6).	
3301(a)(3) ....	40:612(4).	
3301(a)(4) ....	40:612(3).	
	40:612a(2).	
3301(a)(5) ....	40:612(1).	
	40:612a(2).	
3301(a)(6) ....	40:612(7).	
3301(b) .....	40:613.	Pub. L. 86–249, §14, Sept. 9, 1959, 73 Stat. 483.

In subsection (a), the text of 40:612(2) and 612a(1) is omitted because the complete name of the Administrator of General Services is used the first time the term appears in a section. In clause (5)(A), the words “mixed-ownership Government corporation” are substituted for “mixed ownership corporation” for consistency with 31:9101. In clause (5)(B) and (C), the words “from time to time hereafter” are omitted as unnecessary. In clause (6), the words “territories and” are added for consistency in the revised title and with other titles of the United States Code.

In subsection (b), the text of 40:613(1)–(3) is omitted as obsolete. The reference is to section 241(g) of the Immigration and Nationality Act rather than to section 242(c) to reflect the amendment of sections 241 and 242 by sections 305(a)(3) and 306(a)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208, div. C, 110 Stat. 3009–598, 3009–607).

**§ 3302. Prohibition on construction of buildings except by Administrator of General Services**

Only the Administrator of General Services may construct a public building. The Administrator shall construct a public building in accordance with this chapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1158.)

**HISTORICAL AND REVISION NOTES**

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3302 .....	40:601.	Pub. L. 86–249, §2, Sept. 9, 1959, 73 Stat. 479.

**§ 3303. Continuing investigation and survey of public buildings**

(a) CONDUCTED BY ADMINISTRATOR.—The Administrator of General Services shall—

(1) make a continuing investigation and survey of the public buildings needs of the Federal Government so that the Administrator may carry out the duties of the Administrator under this chapter; and

(2) submit to Congress prospectuses of proposed projects in accordance with section 3307(a) and (b) of this title.

(b) COOPERATION WITH FEDERAL AGENCIES.—

(1) DUTIES OF ADMINISTRATOR.—In carrying out the duties of the Administrator under this chapter, the Administrator—

(A) shall cooperate with all federal agencies in order to keep informed of their needs;

(B) shall advise each federal agency of the program with respect to the agency; and

(C) may request the cooperation and assistance of each federal agency in carrying out duties under this chapter.

(2) DUTY OF FEDERAL AGENCIES.—Each federal agency shall cooperate with, advise, and assist the Administrator in carrying out the duties of the Administrator under this chapter as determined necessary by the Administrator to carry out the purposes of this chapter.

(c) REQUEST FOR IDENTIFICATION OF EXISTING BUILDINGS OF HISTORICAL, ARCHITECTURAL, OR CULTURAL SIGNIFICANCE.—When the Administrator undertakes a survey of the public buildings needs of the Government within a geographical area, the Administrator shall request that, within 60 days, the Advisory Council on Historic Preservation established by section 304101 of title 54 identify any existing buildings in the geographical area that—

(1) are of historical, architectural, or cultural significance (as defined in section 3306(a) of this title); and

(2) whether or not in need of repair, alteration, or addition, would be suitable for acquisition to meet the public buildings needs of the Government.

(d) STANDARD FOR CONSTRUCTION AND ACQUISITION OF PUBLIC BUILDINGS.—In carrying out the duties of the Administrator under this chapter, the Administrator shall provide for the construction and acquisition of public buildings equitably throughout the United States with due regard to the comparative urgency of the need for each particular building. In developing plans

for new buildings, the Administrator shall give due consideration to excellence of architecture and design.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1158; Pub. L. 113–287, §5(j)(5), Dec. 19, 2014, 128 Stat. 3269.)

**HISTORICAL AND REVISION NOTES**

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3303(a) .....	40:611(a).	Pub. L. 86–249, §12(a), (b), (d), Sept. 9, 1959, 73 Stat. 482; Pub. L. 92–313, §2(2), (3), June 16, 1972, 86 Stat. 216; Pub. L. 94–541, title I, §103(3), Oct. 18, 1976, 90 Stat. 2506.
3303(b) .....	40:611(b).	Pub. L. 86–249, §12(c), as added Pub. L. 94–541, title I, §103(3), Oct. 18, 1976, 90 Stat. 2506.
3303(c) .....	40:611(c).	
3303(d) .....	40:611(d).	

In subsection (c)(1), the word “historical” is substituted for “historic” to conform to the defined term.

In subsection (c)(2), the word “purchase” is omitted as being included in “[‘]acquisition”.

**AMENDMENTS**

2014—Subsec. (c). Pub. L. 113–287 substituted “section 304101 of title 54” for “title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.)” in introductory provisions.

**§ 3304. Acquisition of buildings and sites**

(a) IN GENERAL.—The Administrator of General Services may acquire, by purchase, condemnation, donation, exchange, or otherwise, any building and its site which the Administrator decides is necessary to carry out the duties of the Administrator under this chapter.

(b) ACQUISITION OF LAND OR INTEREST IN LAND FOR USE AS SITES.—The Administrator may acquire, by purchase, condemnation, donation, exchange, or otherwise, land or an interest in land the Administrator considers necessary for use as sites, or additions to sites, for public buildings authorized to be constructed or altered under this chapter.

(c) PUBLIC BUILDINGS USED FOR POST OFFICE PURPOSES.—When any part of a public building is to be used for post office purposes, the Administrator shall act jointly with the United States Postal Service in selecting the town or city where the building is to be constructed, and in selecting the site in the town or city for the building.

(d) SOLICITATION OF PROPOSALS FOR SALE, DONATION, OR EXCHANGE OF REAL PROPERTY.—When the Administrator is to acquire a site under subsection (b), the Administrator, if the Administrator considers it necessary, by public advertisement may solicit proposals for the sale, donation, or exchange of real property to the Federal Government to be used as the site. In selecting a site under subsection (b) the Administrator (with the concurrence of the United States Postal Service if any part of the public building to be constructed on the site is to be used for post office purposes) may—

(1) select the site that the Administrator believes is the most advantageous to the Government, all factors considered; and

(2) acquire the site without regard to division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1158; Pub. L. 108–178, §3(1), Dec. 15, 2003, 117 Stat. 2640; Pub. L. 111–350, §5(l)(15), Jan. 4, 2011, 124 Stat. 3852.)

## HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3304(a) .....	40:602.	Pub. L. 86–249, §§3, 5, Sept. 9, 1959, 73 Stat. 479.
3304(b) .....	40:604(a).	
3304(c) .....	40:604(b).	
3304(d) .....	40:604(c).	

In subsections (c) and (d), the words “United States Postal Service” are substituted for “Postmaster General” in subsections (b) and (c) of section 5 of the Public Buildings Act of 1959 (Public Law 86–249, 73 Stat. 479) because of section 4(a) of the Postal Reorganization Act (Public Law 91–375, 84 Stat. 773).

## AMENDMENTS

2011—Subsec. (d)(2). Pub. L. 111–350 substituted “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” for “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)”.

2003—Subsec. (b). Pub. L. 108–178 inserted “, by purchase, condemnation, donation, exchange, or otherwise,” after “The Administrator may acquire”.

## EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–178 effective Aug. 21, 2002, see section 5 of Pub. L. 108–178, set out as a note under section 5334 of Title 5, Government Organization and Employees.

## § 3305. Construction and alteration of buildings

## (a) CONSTRUCTION.—

(1) REPLACEMENT OF EXISTING BUILDINGS.—When the Administrator of General Services considers it to be in the best interest of the Federal Government to construct a new public building to take the place of an existing public building, the Administrator may demolish the existing building and use the site on which it is located for the site of the proposed public building. If the Administrator believes that it is more advantageous to construct the public building on a different site in the same city, the Administrator may exchange the building and site, or the site, for another site, or may sell the building and site in accordance with subtitle I of this title and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

(2) SALE OR EXCHANGE OF SITES.—When the Administrator decides that a site acquired for the construction of a public building is not suitable for that purpose, the Administrator may exchange the site for another site, or may sell it in accordance with subtitle I of this title and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

(3) COMMITTEE APPROVAL REQUIRED.—This subsection does not permit the Administrator to use any land as a site for a public building if the project has not been approved in accordance with section 3307 of this title.

## (b) ALTERATION OF BUILDINGS.—

(1) AUTHORITY TO ALTER BUILDINGS AND ACQUIRE LAND.—The Administrator may—

(A) alter any public building; and

(B) acquire in accordance with section 3304(b)–(d) of this title land necessary to carry out the alteration.

## (2) COMMITTEE APPROVAL NOT REQUIRED.—

(A) THRESHOLD AMOUNT.—Approval under section 3307 of this title is not required for any alteration and acquisition authorized by this subsection for which the estimated maximum cost does not exceed \$1,500,000.

(B) DOLLAR AMOUNT ADJUSTMENT.—The Administrator annually may adjust the dollar amount referred to in subparagraph (A) to reflect a percentage increase or decrease in construction costs during the prior calendar year, as determined by the composite index of construction costs of the Department of Commerce. Any adjustment shall be expeditiously reported to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(c) CONSTRUCTION OR ALTERATION BY CONTRACT.—The Administrator may carry out any construction or alteration authorized by this chapter by contract if the Administrator considers it to be most advantageous to the Government.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1159; Pub. L. 111–350, §5(l)(16), Jan. 4, 2011, 124 Stat. 3852.)

## HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3305(a) .....	40:605.	Pub. L. 86–249, §§6, 9, Sept. 9, 1959, 73 Stat. 479, 481.
3305(b)(1) ....	40:603(a).	Pub. L. 86–249, §4, Sept. 9, 1959, 73 Stat. 479; Pub. L. 92–313, §2(1), June 16, 1972, 86 Stat. 216; Pub. L. 100–678, §2, Nov. 17, 1988, 102 Stat. 4049.
3305(b)(2)(A) 3305(b)(2)(B)	40:603(b). 40:606(f) (related to 40:603(b)).	Pub. L. 86–249, §7(f) (related to §4(b)), Sept. 9, 1959, as added Pub. L. 100–678, §4, Nov. 17, 1988, 102 Stat. 4050.
3305(c) .....	40:608.	

In subsection (a)(1) and (2), the words “and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” are added to provide an accurate literal translation of the words “this Act”, meaning the Federal Property and Administrative Services Act of 1949. See the revision note under section 111 of this title.

In subsection (b)(2)(B), the words “Transportation and Infrastructure” are substituted for “Public Works and Transportation” in section 7(f) of the Public Buildings Act of 1959 (Public Law 86–249, 73 Stat. 480) because of section 1(a)(9) of the Act of June 3, 1995 (Public Law 104–14, 2:21 note prec.).

## AMENDMENTS

2011—Subsec. (a)(1), (2). Pub. L. 111–350 substituted “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” for “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)”.

## § 3306. Accommodating federal agencies

## (a) DEFINITIONS.—In this section—

(1) COMMERCIAL ACTIVITIES.—The term “commercial activities” includes the operations of restaurants, food stores, craft stores, dry goods stores, financial institutions, and display facilities.

(2) **CULTURAL ACTIVITIES.**—The term “cultural activities” includes film, dramatic, dance, and musical presentations, and fine art exhibits, whether or not those activities are intended to make a profit.

(3) **EDUCATIONAL ACTIVITIES.**—The terms “educational activities” includes the operations of libraries, schools, day care centers, laboratories, and lecture and demonstration facilities.

(4) **HISTORICAL, ARCHITECTURAL, OR CULTURAL SIGNIFICANCE.**—The term “historical, architectural, or cultural significance” includes buildings listed or eligible to be listed on the National Register established under chapter 3021 of title 54.

(5) **RECREATIONAL ACTIVITIES.**—The term “recreational activities” includes the operations of gymnasiums and related facilities.

(6) **UNIT OF GENERAL LOCAL GOVERNMENT.**—The term “unit of general local government” means a city, county, town, parish, village, or other general-purpose political subdivision of a State.

(b) **DUTIES OF ADMINISTRATOR.**—To carry out the duties of the Administrator of General Services under sections 581(h), 584(b), 3303(c), and 3307(b)(3) and (5) of this title and under any other authority with respect to constructing, operating, maintaining, altering, and otherwise managing or acquiring space necessary to accommodate federal agencies and to accomplish the purposes of sections 581(h), 584(b), 3303(c), and 3307(b)(3) and (5), the Administrator shall—

(1) acquire and utilize space in suitable buildings of historical, architectural, or cultural significance, unless use of the space would not prove feasible and prudent compared with available alternatives;

(2) encourage the location of commercial, cultural, educational, and recreational facilities and activities in public buildings;

(3) provide and maintain space, facilities, and activities, to the extent practicable, that encourage public access to, and stimulate public pedestrian traffic around, into, and through, public buildings, permitting cooperative improvements to and uses of the area between the building and the street, so that the activities complement and supplement commercial, cultural, educational, and recreational resources in the neighborhood of public buildings; and

(4) encourage the public use of public buildings for cultural, educational, and recreational activities.

(c) **CONSULTATION AND SOLICITATION OF COMMENTS.**—In carrying out the duties under subsection (b), the Administrator shall—

(1) consult with chief executive officers of the States, areawide agencies established pursuant to title II of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3331 et seq.) and section 6506 of title 31, and chief executive officers of those units of general local government in each area served by an existing or proposed public building; and

(2) solicit the comments of other community leaders and members of the general public as the Administrator considers appropriate.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1160; Pub. L. 113–287, § 5(j)(6), Dec. 19, 2014, 128 Stat. 3269.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3306(a)(1) ....	40:612a(5).	Pub. L. 94–541, title I, §§102, 105(3)–(8), Oct. 18, 1976, 90 Stat. 2505, 2507.
3306(a)(2) ....	40:612a(6).	
3306(a)(3) ....	40:612a(7).	
3306(a)(4) ....	40:612a(4).	
3306(a)(5) ....	40:612a(8).	
3306(a)(6) ....	40:612a(3).	
3306(b) .....	40:601a(a).	
3306(c) .....	40:601a(b).	

In subsection (b)(1), the word “historical” is substituted for “historic” to conform to the defined term.

In subsection (c)(1), the words “chief executive officers of the States” are substituted for “Governors” for clarity and for consistency in the revised title and with other titles of the United States Code. The words “section 6506 of title 31” are substituted for “title IV of the Intergovernmental Cooperation Act of 1968” in section 102(b) of the Public Buildings Cooperative Use Act of 1976 (Public Law 94–541, 90 Stat. 2505) because of section 4(b) of the Act of September 13, 1982 (Public Law 97–258, 96 Stat. 1067), the first section of which enacted Title 31, United States Code.

#### REFERENCES IN TEXT

The Demonstration Cities and Metropolitan Development Act of 1966, referred to in subsec. (c)(1), is Pub. L. 89–754, Nov. 3, 1966, 80 Stat. 1255, as amended. Title II of the Act is classified generally to subchapter II (§3331 et seq.) of chapter 41 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3331 of Title 42 and Tables.

#### AMENDMENTS

2014—Subsec. (a)(4). Pub. L. 113–287 substituted “chapter 3021 of title 54” for “section 101 of the National Historic Preservation Act (16 U.S.C. 470a)”.

#### EX. ORD. NO. 13006. LOCATING FEDERAL FACILITIES ON HISTORIC PROPERTIES IN OUR NATION’S CENTRAL CITIES

Ex. Ord. No. 13006, May 21, 1996, 61 F.R. 26071, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Historic Preservation Act (16 U.S.C. 470 et seq.) [see 54 U.S.C. 300101 et seq.] and the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2505) [title I of Pub. L. 94–541, see Tables for classification], and in furtherance of and consistent with Executive Order No. 12072 of August 16, 1978 [40 U.S.C. 121 note], and Executive Order No. 11593 of May 13, 1971 [54 U.S.C. 300101 note], it is hereby ordered as follows:

**SECTION 1. Statement of Policy.** Through the Administration’s community empowerment initiatives, the Federal Government has undertaken various efforts to revitalize our central cities, which have historically served as the centers for growth and commerce in our metropolitan areas. Accordingly, the Administration hereby reaffirms the commitment set forth in Executive Order No. 12072 to strengthen our Nation’s cities by encouraging the location of Federal facilities in our central cities. The Administration also reaffirms the commitments set forth in the National Historic Preservation Act to provide leadership in the preservation of historic resources, and in the Public Buildings Cooperative Use Act of 1976 to acquire and utilize space in suitable buildings of historic, architectural, or cultural significance.

To this end, the Federal Government shall utilize and maintain, wherever operationally appropriate and economically prudent, historic properties and districts, especially those located in our central business areas.

When implementing these policies, the Federal Government shall institute practices and procedures that are sensible, understandable, and compatible with current authority and that impose the least burden on, and provide the maximum benefit to, society.

**SEC. 2. Encouraging the Location of Federal Facilities on Historic Properties in Our Central Cities.** When operationally appropriate and economically prudent, and subject to the requirements of section 601 of title VI of the Rural Development Act of 1972, as amended (42 U.S.C. 3122) [now 7 U.S.C. 2204b-1], and Executive Order No. 12072, when locating Federal facilities, Federal agencies shall give first consideration to historic properties within historic districts. If no such property is suitable, then Federal agencies shall consider other developed or undeveloped sites within historic districts. Federal agencies shall then consider historic properties outside of historic districts, if no suitable site within a district exists. Any rehabilitation or construction that is undertaken pursuant to this order must be architecturally compatible with the character of the surrounding historic district or properties.

**SEC. 3. Identifying and Removing Regulatory Barriers.** Federal agencies with responsibilities for leasing, acquiring, locating, maintaining, or managing Federal facilities or with responsibilities for the planning for, or managing of, historic resources shall take steps to reform, streamline, and otherwise minimize regulations, policies, and procedures that impede the Federal Government's ability to establish or maintain a presence in historic districts or to acquire historic properties to satisfy Federal space needs, unless such regulations, policies, and procedures are designed to protect human health and safety or the environment. Federal agencies are encouraged to seek the assistance of the Advisory Council on Historic Preservation when taking these steps.

**SEC. 4. Improving Preservation Partnerships.** In carrying out the authorities of the National Historic Preservation Act, the Secretary of the Interior, the Advisory Council on Historic Preservation, and each Federal agency shall seek appropriate partnerships with States, local governments, Indian tribes, and appropriate private organizations with the goal of enhancing participation of these parties in the National Historic Preservation Program. Such partnerships should embody the principles of administrative flexibility, reduced paperwork, and increased service to the public.

**SEC. 5. Judicial Review.** This order is not intended to create, nor does it create, any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON.

### **§ 3307. Congressional approval of proposed projects**

(a) **RESOLUTIONS REQUIRED BEFORE APPROPRIATIONS MAY BE MADE.**—The following appropriations may be made only if the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives adopt resolutions approving the purpose for which the appropriation is made:

(1) An appropriation to construct, alter, or acquire any building to be used as a public building which involves a total expenditure in excess of \$1,500,000, so that the equitable distribution of public buildings throughout the United States with due regard for the comparative urgency of need for the buildings, except as provided in section 3305(b) of this title, is ensured.

(2) An appropriation to lease any space at an average annual rental in excess of \$1,500,000 for use for public purposes.

(3) An appropriation to alter any building, or part of the building, which is under lease by the Federal Government for use for a public purpose if the cost of the alteration will exceed \$750,000.

(b) **TRANSMISSION TO CONGRESS OF PROSPECTUS OF PROPOSED PROJECT.**—To secure consideration for the approval referred to in subsection (a), the Administrator of General Services shall transmit to Congress a prospectus of the proposed facility, including—

(1) a brief description of the building to be constructed, altered, or acquired, or the space to be leased, under this chapter;

(2) the location of the building or space to be leased and an estimate of the maximum cost to the Government of the facility to be constructed, altered, or acquired, or the space to be leased;

(3) a comprehensive plan for providing space for all Government officers and employees in the locality of the proposed facility or the space to be leased, having due regard for suitable space which may continue to be available in existing Government-owned or occupied buildings, especially those buildings that enhance the architectural, historical, social, cultural, and economic environment of the locality;

(4) with respect to any project for the construction, alteration, or acquisition of any building, a statement by the Administrator that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action;

(5) a statement by the Administrator of the economic and other justifications for not acquiring a building identified to the Administrator under section 3303(c) of this title as suitable for the public building needs of the Government;

(6) a statement of rents and other housing costs currently being paid by the Government for federal agencies to be housed in the building to be constructed, altered, or acquired, or the space to be leased;

(7) with respect to any prospectus for the construction, alteration, or acquisition of any building or space to be leased, an estimate of the future energy performance of the building or space and a specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project; and

(8) a statement of how the proposed project is consistent with the standards and criteria developed under section 11(b) of the Federal Assets Sale and Transfer Act of 2016.

(c) **INCREASE OF ESTIMATED MAXIMUM COST.**—The estimated maximum cost of any project approved under this section as set forth in any prospectus may be increased by an amount equal to any percentage increase, as determined by the Administrator, in construction or alteration costs from the date the prospectus is transmitted to Congress. The increase authorized by this subsection may not exceed 10 percent of the estimated maximum cost.

(d) **RESCISSION OF APPROVAL.**—If an appropriation is not made within one year after the date a project for construction, alteration, or acquisition is approved under subsection (a), the Committee on Environment and Public Works of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives by resolution may rescind its approval before an appropriation is made.

(e) **EMERGENCY LEASES BY THE ADMINISTRATOR.**—This section does not prevent the Administrator from entering into emergency leases during any period declared by the President to require emergency leasing authority. An emergency lease may not be for more than 180 days without approval of a prospectus for the lease in accordance with subsection (a).

(f) **MINIMUM PERFORMANCE REQUIREMENTS FOR LEASED SPACE.**—With respect to space to be leased, the Administrator shall include, to the maximum extent practicable, minimum performance requirements requiring energy efficiency and the use of renewable energy.

(g) **LIMITATION ON LEASING CERTAIN SPACE.**—

(1) **IN GENERAL.**—The Administrator may not lease space to accommodate any of the following if the average rental cost of leasing the space will exceed \$1,500,000:

(A) Computer and telecommunications operations.

(B) Secure or sensitive activities related to the national defense or security, except when it would be inappropriate to locate those activities in a public building or other facility identified with the Government.

(C) A permanent courtroom, judicial chamber, or administrative office for any United States court.

(2) **EXCEPTION.**—The Administrator may lease space with respect to which paragraph (1) applies if the Administrator—

(A) decides, for reasons set forth in writing, that leasing the space is necessary to meet requirements which cannot be met in public buildings; and

(B) submits the reasons to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(h) **DOLLAR AMOUNT ADJUSTMENT.**—The Administrator annually may adjust any dollar amount referred to in this section to reflect a percentage increase or decrease in construction costs during the prior calendar year, as determined by the composite index of construction costs of the Department of Commerce. Any adjustment shall be expeditiously reported to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1161; Pub. L. 110-140, title III, § 323(a), (b), Dec. 19, 2007, 121 Stat. 1589, 1590; Pub. L. 114-287, § 17, Dec. 16, 2016, 130 Stat. 1476.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3307(a) .....	40:606(a) (1st-3d sentences).	Pub. L. 86-249, § 7(a)-(d), Sept. 9, 1959, 73 Stat. 480; Pub. L. 92-313, § 2(4), June 16, 1972, 86 Stat. 217; Pub. L. 94-541, title I, § 103(1), (2), Oct. 18, 1976, 90 Stat. 2505; Pub. L. 100-678, §§ 2, 3(a), Nov. 17, 1988, 102 Stat. 4049; Pub. L. 103-437, § 14(b)(1), Nov. 2, 1994, 108 Stat. 4590.
3307(b) .....	40:606(a) (last sentence).	
3307(c) .....	40:606(b).	
3307(d) .....	40:606(c).	
3307(e) .....	40:606(d).	
3307(f) .....	40:606(e).	Pub. L. 86-249, § 7(e), as added Pub. L. 100-678, § 3(b), Nov. 17, 1988, 102 Stat. 4049.
3307(g) .....	40:606(f) (related to this section).	Pub. L. 86-249, § 7(f) (related to this section), Sept. 9, 1959, as added Pub. L. 100-678, § 4, Nov. 17, 1988, 102 Stat. 4050.

In this section, the words “Transportation and Infrastructure” are substituted for “Public Works and Transportation” in section 7 of the Public Buildings Act of 1959 (Public Law 86-249, 73 Stat. 480) because of section 1(a)(9) of the Act of June 3, 1995 (Public Law 104-14, 2:21 note prec.). The word “purchase” is omitted as being included in “acquire”.

In subsection (c), the words “if any” and “as the case may be” are omitted as unnecessary.

In subsection (d), the words “at any time thereafter” are omitted as unnecessary.

In subsection (f)(2)(A), the word “first” is omitted as unnecessary.

#### REFERENCES IN TEXT

Section 11(b) of the Federal Assets Sale and Transfer Act of 2016, referred to in subsec. (b)(8), is section 11(b) of Pub. L. 114-287, which is set out in a note under section 1303 of this title.

#### AMENDMENTS

2016—Subsec. (b)(8). Pub. L. 114-287 added par. (8).

2007—Subsec. (b)(7). Pub. L. 110-140, § 323(a), added par. (7).

Subsecs. (f) to (h). Pub. L. 110-140, § 323(b), added subsec. (f) and redesignated former subsecs. (f) and (g) as (g) and (h), respectively.

#### EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

#### § 3308. Architectural or engineering services

(a) **EMPLOYMENT BY ADMINISTRATOR.**—When the Administrator of General Services decides it to be necessary, the Administrator may employ, by contract or otherwise, without regard to chapters 33 and 51 and subchapter III of chapter 53 of title 5, civil service rules and regulations, or section 6101(b) to (d) of title 41, the services of established architectural or engineering corporations, firms, or individuals, to the extent the Administrator may require those services for any public building authorized to be constructed or altered under this chapter.

(b) **EMPLOYMENT ON PERMANENT BASIS NOT PERMITTED.**—A corporation, firm, or individual shall not be employed under authority of subsection (a) on a permanent basis.

(c) **RESPONSIBILITY OF ADMINISTRATOR.**—Notwithstanding any other provision of this section,

the Administrator is responsible for all construction authorized by this chapter, including the interpretation of construction contracts, approval of material and workmanship supplied under a construction contract, approval of changes in the construction contract, certification of vouchers for payments due the contractor, and final settlement of the contract.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1163; Pub. L. 111-350, § 5(l)(17), Jan. 4, 2011, 124 Stat. 3852.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3308(a) .....	40:609(a).	Pub. L. 86-249, §10, Sept. 9, 1959, 73 Stat. 481.
3308(b) .....	40:609(b).	
3308(c) .....	40:609(c).	

In subsection (a), the words “chapters 33 and 51 and subchapter III of chapter 53 of title 5” are substituted for “the Classification Act of 1949, as amended” and the reference to civil service laws in section 10(a) of the Public Buildings Act of 1959 (Public Law 86-249, 73 Stat. 481) because of section 7(b) of the Act of September 6, 1966 (Public Law 89-554, 80 Stat. 631), the first section of which enacted Title 31, United States Code.

#### AMENDMENTS

2011—Subsec. (a). Pub. L. 111-350 substituted “section 6101(b) to (d) of title 41” for “section 3709 of the Revised Statutes (41 U.S.C. 5)”.

### § 3309. Buildings and sites in the District of Columbia

(a) IN GENERAL.—The purposes of this chapter shall be carried out in the District of Columbia as nearly as may be practicable in harmony with the plan of Peter Charles L’Enfant. Public buildings shall be constructed or altered to combine architectural beauty with practical utility.

(b) CLOSING OF STREETS AND ALLEYS.—When the Administrator of General Services decides that constructing or altering a public building under this chapter in the District of Columbia requires using contiguous squares as a site for the building, parts of streets that lie between the squares, and alleys that intersect the squares, may be closed and vacated if agreed to by the Administrator, the Council of the District of Columbia, and the National Capital Planning Commission. Those streets and alleys become part of the site.

(c) CONSULTATIONS PRIOR TO ACQUISITIONS.—

(1) WITH HOUSE OFFICE BUILDING COMMISSION.—The Administrator must consult with the House Office Building Commission created by the Act of March 4, 1907 (ch. 2918, 34 Stat. 1365), before the Administrator may acquire land located south of Independence Avenue, between Third Street SW and Eleventh Street SE, in the District of Columbia, for use as a site or an addition to a site.

(2) WITH ARCHITECT OF CAPITOL.—The Administrator must consult with the Architect of the Capitol before the Administrator may acquire land located in the area extending from the United States Capitol Grounds to Eleventh Street NE and SE and bounded by Independence Avenue on the south and G Street NE on the north, in the District of Columbia, for use as a site or an addition to a site.

(d) CONTRACTS FOR EVENTS IN STADIUM.—Notwithstanding the District of Columbia Stadium Act of 1957 (Public Law 85-300, 71 Stat. 619) or any other provision of law, the Armory Board may make contracts to conduct events in Robert F. Kennedy Stadium.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1163.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3309(a) .....	40:607(a).	Pub. L. 86-249, §8(a), (b), Sept. 9, 1959, 73 Stat. 481; Pub. L. 87-476, §§1, 2, June 8, 1962, 76 Stat. 92.
3309(b) .....	40:607(b).	
3309(c) .....	40:607(c).	Pub. L. 86-249, §8(c), Sept. 9, 1959, as added Pub. L. 87-476, §3, June 8, 1962, 76 Stat. 92.
3309(d) .....	40:607(d).	Pub. L. 86-249, §8(d), Sept. 9, 1959, as added Pub. L. 93-72, July 10, 1973, 87 Stat. 169.

In subsection (b), the words “Council of the District of Columbia” are substituted for “Board of Commissioners of the District of Columbia” [subsequently changed to “District of Columbia Council” because of section 402(431) of Reorganization Plan No. 3 of 1967 (eff. Aug. 11, 1967, 81 Stat. 951)] in section 8(b) of the Public Buildings Act of 1959 (Public Law 86-249, 73 Stat. 481) because of sections 401 and 404(a) of the District of Columbia Home Rule Act (Public Law 93-198, 87 Stat. 785, 787).

Subsection (d) is substituted for 40:607(d) to eliminate obsolete words.

#### REFERENCES IN TEXT

The Act of March 4, 1907, referred to in subsec. (c)(1), is act Mar. 4, 1907, ch. 2918, 34 Stat. 1365, as amended, which is classified to section 2001 of Title 2, The Congress.

The District of Columbia Stadium Act of 1957, referred to in subsec. (d), is Pub. L. 85-300, Sept. 7, 1957, 71 Stat. 619, as amended, which is not classified to the Code.

### § 3310. Special rules for leased buildings

For any building to be constructed for lease to, and for predominant use by, the Federal Government, the Administrator of General Services—

(1) notwithstanding section 585(a)(1) of this title, shall not make any agreement or undertake any commitment which will result in the construction of the building until the Administrator has established detailed specification requirements for the building;

(2) may acquire a leasehold interest in the building only by the use of competitive procedures required by sections 3105, 3301, and 3303 to 3305 of title 41;

(3) shall include in the solicitation for any lease requiring a prospectus under section 3307 an evaluation factor considering the extent to which the offeror will promote energy efficiency and the use of renewable energy;

(4) shall inspect every building during construction to establish that the specifications established for the building are complied with;

(5) on completion of the building, shall evaluate the building to determine the extent of failure to comply with the specifications referred to in clause (1); and

(6) shall ensure that any contract entered into for the building shall contain provisions



permitting a reduction of rent during any period when the building is not in compliance with the specifications.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1164; Pub. L. 110–140, title III, §323(d), Dec. 19, 2007, 121 Stat. 1591; Pub. L. 111–350, §5(l)(18), Jan. 4, 2011, 124 Stat. 3852.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3310 .....	40:618.	Pub. L. 86–249, §20, as added Pub. L. 100–678, §5, Nov. 17, 1988, 102 Stat. 4050.

#### AMENDMENTS

2011—Par. (2). Pub. L. 111–350 substituted “sections 3105, 3301, and 3303 to 3305 of title 41” for “section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253)”.

2007—Pars. (3) to (6). Pub. L. 110–140 added par. (3) and redesignated former pars. (3) to (5) as (4) to (6), respectively.

#### EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

### § 3311. State administration of criminal and health and safety laws

When the Administrator of General Services considers it desirable, the Administrator may assign to a State or a territory or possession of the United States any part of the authority of the Federal Government to administer criminal laws and health and safety laws with respect to land or an interest in land under the control of the Administrator and located in the State, territory, or possession. Assignment of authority under this section may be accomplished by filing with the chief executive officer of the State, territory, or possession a notice of assignment to take effect on acceptance, or in another manner as may be prescribed by the laws of the State, territory, or possession in which the land or interest is located.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1164.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3311 .....	40:617.	Pub. L. 86–249, §19, as added Pub. L. 100–678, §5, Nov. 17, 1988, 102 Stat. 4050.

The words “Notwithstanding any other provision of law” and “commonwealth” are omitted as unnecessary.

### § 3312. Compliance with nationally recognized codes

(a) APPLICATION.—

(1) IN GENERAL.—This section applies to any project for construction or alteration of a building for which amounts are first appropriated for a fiscal year beginning after September 30, 1989.

(2) NATIONAL SECURITY WAIVER.—This section does not apply to a building for which the Administrator of General Services or the head of the federal agency authorized to construct or

alter the building decides that the application of this section to the building would adversely affect national security. A decision under this subsection is not subject to administrative or judicial review.

(b) BUILDING CODES.—Each building constructed or altered by the General Services Administration or any other federal agency shall be constructed or altered, to the maximum extent feasible as determined by the Administrator or the head of the federal agency, in compliance with one of the nationally recognized model building codes and with other applicable nationally recognized codes, including electrical codes, fire and life safety codes, and plumbing codes, as the Administrator decides is appropriate. In carrying out this subsection, the Administrator or the head of the federal agency shall use the latest edition of the nationally recognized codes.

(c) ZONING LAWS.—Each building constructed or altered by the Administration or any other federal agency shall be constructed or altered only after consideration of all requirements (except procedural requirements) of the following laws of a State or a political subdivision of a State, which would apply to the building if it were not a building constructed or altered by a federal agency:

(1) Zoning laws.

(2) Laws relating to landscaping, open space, minimum distance of a building from the property line, maximum height of a building, historic preservation, esthetic qualities of a building, and other similar laws.

(d) COOPERATION WITH STATE AND LOCAL OFFICIALS.—

(1) STATE AND LOCAL GOVERNMENT CONSULTATION, REVIEW, AND INSPECTIONS.—To meet the requirements of subsections (b) and (c), the Administrator or the head of the federal agency authorized to construct or alter the building—

(A) in preparing plans for the building, shall consult with appropriate officials of the State or political subdivision of a State, or both, in which the building will be located;

(B) on request shall submit the plans in a timely manner to the officials for review by the officials for a reasonable period of time not exceeding 30 days; and

(C) shall permit inspection by the officials during construction or alteration of the building, in accordance with the customary schedule of inspections for construction or alteration of buildings in the locality, if the officials provide to the Administrator or the head of the federal agency—

(i) a copy of the schedule before construction of the building is begun; and

(ii) reasonable notice of their intention to conduct any inspection before conducting the inspection.

(2) LIMITATION ON RESPONSIBILITIES.—This section does not impose an obligation on any State or political subdivision to take any action under paragraph (1).

(e) STATE AND LOCAL GOVERNMENT RECOMMENDATIONS.—Appropriate officials of a State or

political subdivision of a State may make recommendations to the Administrator or the head of the federal agency authorized to construct or alter a building concerning measures necessary to meet the requirements of subsections (b) and (c). The officials also may make recommendations to the Administrator or the head of the federal agency concerning measures which should be taken in the construction or alteration of the building to take into account local conditions. The Administrator or the head of the agency shall give due consideration to the recommendations.

(f) **EFFECT OF NONCOMPLIANCE.**—An action may not be brought against the Federal Government and a fine or penalty may not be imposed against the Government for failure to meet the requirements of subsection (b), (c), or (d) or for failure to carry out any recommendation under subsection (e).

(g) **LIMITATION ON LIABILITY.**—The Government and its contractors shall not be required to pay any amount for any action a State or a political subdivision of a State takes to carry out this section, including reviewing plans, carrying out on-site inspections, issuing building permits, and making recommendations.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1165.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3312(a)(1) ....	40:619(g).	Pub. L. 86–249, §21, as added Pub. L. 100–678, §6(a), Nov. 17, 1988, 102 Stat. 4051.
3312(a)(2) ....	40:619(h).	
3312(b) .....	40:619(a).	
3312(c) .....	40:619(b).	
3312(d) .....	40:619(c).	
3312(e) .....	40:619(d).	
3312(f) .....	40:619(e).	
3312(g) .....	40:619(f).	

#### EX. ORD. NO. 13728. WILDLAND-URBAN INTERFACE FEDERAL RISK MITIGATION

Ex. Ord. No. 13728, May 18, 2016, 81 F.R. 32223, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve the Nation's resilience to wildfire, I hereby direct the following:

**SECTION 1. Policy.** It is the policy of the United States to strengthen the security and resilience of the Nation against the impacts of wildfire. The annual estimates on structure loss due to wildfire have increased dramatically over the past six decades as a result of multi-year drought conditions in combination with accumulated fuel loads, growing populations residing in the wildland-urban interface, and associated increases in the exposure of built environments. As such, we must continue to ensure our Nation is resilient to wildfire in order to promote public safety, economic strength, and national security.

The Federal Government must continue to take proactive steps to enhance the resilience of buildings that are owned by the Federal Government and are located on Federal land. Each executive department and agency (agency) responsible for implementing this order shall seek to enhance the resilience of its buildings when making investment decisions to ensure continued performance of essential functions and to reduce risks to its buildings' occupants in the event of a wildfire.

**SEC. 2. Codes and Concurrent Requirements.** (a) Commencing within 90 days of the completion of the implementing guidelines as described in section 3(b)(1) of this order, each agency shall ensure that every new Federal

building above 5,000 gross square feet on Federal land within the wildland-urban interface at moderate or greater wildfire risk for which the agency has not completed design is in compliance with the 2015 edition of the International Wildland-Urban Interface Code (IWUIC) promulgated by the International Code Council (ICC), or an equivalent code, consistent with the provisions of and to the extent required by 40 U.S.C. 3312. When the ICC releases a new version of the IWUIC, a determination shall be made whether the new version is a nationally recognized code for the purposes of 40 U.S.C. 3312(b), as expeditiously as practicable, but not later than 2 years after the release of the new version. If a determination is made that a new version is a nationally recognized code, agencies shall ensure that any Federal building covered by this section for which the agency has not completed design is in compliance with that new version, or an equivalent code, consistent with the provisions of and to the extent required by 40 U.S.C. 3312.

(b) Commencing within 90 days of the completion of the implementing guidelines as described in section 3(b)(1) of this order, each agency responsible for the alteration of an existing Federal building above 5,000 gross square feet on Federal land within the wildland-urban interface at moderate or greater wildfire risk for which the agency has not completed design shall ensure that the alteration is effectuated in compliance with the IWUIC, or an equivalent code, consistent with the provisions of and to the extent required by 40 U.S.C. 3312. When the ICC releases a new version of the IWUIC, a determination shall be made whether the new version is a nationally recognized code for the purposes of 40 U.S.C. 3312(b), as expeditiously as practicable, but not later than 2 years after the release of the new version. If a determination is made that a new version is a nationally recognized code, agencies shall ensure that any Federal building covered by this section for which the agency has not completed design is in compliance with that new version, or an equivalent code, consistent with the provisions of and to the extent required by 40 U.S.C. 3312.

(c) Each agency that owns an existing Federal building above 5,000 gross square feet on Federal land within the wildland-urban interface at moderate or greater wildfire risk is strongly encouraged to ensure that such existing buildings are in compliance with the IWUIC, or an equivalent code.

(d) The heads of agencies whose activities are covered by sections 2(a) and 2(b) of this order shall complete a wildfire risk assessment of their existing Federal buildings above 5,000 gross square feet within the wildland-urban interface and are strongly encouraged to consider creating and maintaining a defensible space in compliance with the IWUIC, or an equivalent code, for each of those buildings they determine to be at highest risk.

(e) Each agency that leases space in a building to be constructed for the predominant use of an agency above 5,000 rentable square feet in the wildland-urban interface in an area of greater than moderate wildfire risk is strongly encouraged to ensure that the building is designed and constructed in accord with the IWUIC, or an equivalent code.

(f) Each agency assisting in the financing, through Federal grants or loans, or guaranteeing the financing, through loan or mortgage insurance premiums, of a newly constructed building or of an alteration of an existing building above 5,000 gross square feet within the wildland-urban interface at moderate or greater wildfire risk shall consider updating its procedures for providing the assistance to be consistent with sections 2(a) and 2(b) of this order, to ensure appropriate consideration of wildfire-resistant design and construction.

(g) To the extent permitted by law, the heads of all agencies may:

(i) require higher performance levels than exist in the codes described in section 2(a) of this order;

(ii) apply the requirements within section 2(a) of this order to new buildings less than 5,000 gross square feet

on Federal land within the wildland-urban interface at moderate or greater wildfire risk; and

(iii) apply the requirements within section 2(b) of this order to existing buildings less than 5,000 gross square feet on Federal land within the wildland-urban interface at moderate or greater wildfire risk.

(h) When calculating whether a building is at moderate or greater wildfire risk, agencies should act in accordance with the methods described in the 2015 edition of the IWUIC, or any subsequent version that is determined to be a nationally recognized code for the purposes of 40 U.S.C. 3312(b), or an equivalent code, or in accordance with an equivalent method.

(i) Each building constructed or altered in accordance with section 2(a) or (b) of this order shall comply with the IWUIC, or an equivalent code, only to the maximum extent feasible as determined by the head of an agency.

SEC. 3. *Agency Responsibilities.* (a) The heads of all agencies that own Federal buildings above 5,000 gross square feet on Federal land within the wildland-urban interface at moderate or greater wildfire risk shall determine the appropriate process within their respective agencies to ensure compliance with this order.

(b) The Mitigation Framework Leadership Group (MitFLG) shall:

(i) create implementing guidelines to advise and assist agency compliance with the code requirements within 240 days of the date of this order;

(ii) provide assistance to the agencies in interpreting the implementing guidelines.

(c) When determining whether buildings are located within the wildland-urban interface, agencies shall use the U.S. Department of Agriculture Forest Service's, "The 2010 Wildland-Urban Interface of the Conterminous United States," or an equivalent tool. The Secretary of Agriculture shall provide assistance to the agencies in determining whether buildings are located within the wildland-urban interface.

(d) The heads of agencies whose activities are covered by sections 2(a) and 2(b) of this order shall submit a report once every 2 years to the Chair of the MitFLG on their progress in implementing the order, commencing 2 years from the date of this order.

SEC. 4. *Definition.* As used in this order, "building" means a constructed asset that is enclosed with walls and a roof that provides space for agencies to perform activities or store materials as well as provides spaces for people to live or work.

SEC. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law, including the National Historic Preservation Act of 1966, and subject to the availability of appropriations.

(c) This order applies only to buildings within the United States and its territories and possessions.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

### § 3313. Use of energy efficient lighting fixtures and bulbs

(a) CONSTRUCTION, ALTERATION, AND ACQUISITION OF PUBLIC BUILDINGS.—Each public building constructed, altered, or acquired by the Administrator of General Services shall be equipped, to the maximum extent feasible as determined by the Administrator, with lighting fixtures and bulbs that are energy efficient.

(b) MAINTENANCE OF PUBLIC BUILDINGS.—Each lighting fixture or bulb that is replaced by the Administrator in the normal course of maintenance of public buildings shall be replaced, to the maximum extent feasible, with a lighting fixture or bulb that is energy efficient.

(c) CONSIDERATIONS.—In making a determination under this section concerning the feasibility of installing a lighting fixture or bulb that is energy efficient, the Administrator shall consider—

(1) the life-cycle cost effectiveness of the fixture or bulb;

(2) the compatibility of the fixture or bulb with existing equipment;

(3) whether use of the fixture or bulb could result in interference with productivity;

(4) the aesthetics relating to use of the fixture or bulb; and

(5) such other factors as the Administrator determines appropriate.

(d) ENERGY STAR.—A lighting fixture or bulb shall be treated as being energy efficient for purposes of this section if—

(1) the fixture or bulb is certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a);

(2) in the case of all light-emitting diode (LED) luminaires, lamps, and systems whose efficacy (lumens per watt) and Color Rendering Index (CRI) meet the Department of Energy requirements for minimum luminaire efficacy and CRI for the Energy Star certification, as verified by an independent third-party testing laboratory that the Administrator and the Secretary of Energy determine conducts its tests according to the procedures and recommendations of the Illuminating Engineering Society of North America, even if the luminaires, lamps, and systems have not received such certification; or

(3) the Administrator and the Secretary of Energy have otherwise determined that the fixture or bulb is energy efficient.

(e) ADDITIONAL ENERGY EFFICIENT LIGHTING DESIGNATIONS.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall give priority to establishing Energy Star performance criteria or Federal Energy Management Program designations for additional lighting product categories that are appropriate for use in public buildings.

(f) GUIDELINES.—The Administrator shall develop guidelines for the use of energy efficient lighting technologies that contain mercury in child care centers in public buildings.

(g) APPLICABILITY OF BUY AMERICAN ACT.—Acquisitions carried out pursuant to this section shall be subject to the requirements of the Buy American Act<sup>1</sup> (41 U.S.C. 10c et seq.).

(h) EFFECTIVE DATE.—The requirements of subsections (a) and (b) shall take effect 1 year after the date of enactment of this subsection.

(Added Pub. L. 110-140, title III, §323(c)(1)(B), Dec. 19, 2007, 121 Stat. 1590.)

#### REFERENCES IN TEXT

The Buy American Act, referred to in subsec. (g), is title III of act Mar. 3, 1933, ch. 212, 47 Stat. 1520, which

<sup>1</sup> See References in Text note below.

was classified generally to sections 10a, 10b, and 10c of former Title 41, Public Contracts, and was substantially repealed and restated in chapter 83 (§8301 et seq.) of Title 41, Public Contracts, by Pub. L. 111-350, §§3, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855. For complete classification of this Act to the Code, see Short Title of 1933 Act note set out under section 101 of Title 41 and Tables. For disposition of sections of former Title 41, see Disposition Table preceding section 101 of Title 41.

The date of enactment of this subsection, referred to in subsec. (h), is the date of enactment of Pub. L. 110-140, which was approved Dec. 19, 2007.

#### PRIOR PROVISIONS

A prior section 3313 was renumbered section 3315 of this title.

#### EFFECTIVE DATE

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

### § 3314. Baby changing facilities in restrooms

(a) **ADDITIONAL REQUIREMENT FOR THE CONSTRUCTION, ALTERATION, AND ACQUISITION OF PUBLIC BUILDINGS.**—Except as provided in subsection (b) and subject to any reasonable accommodations that may be made for individuals in accordance with the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) restrooms in a public building shall be equipped with baby changing facilities that the Administrator determines are physically safe, sanitary, and appropriate.

(b) **EXCEPTIONS.**—The requirement under subsection (a) shall not apply—

(1) to a restroom in a public building that is not available or accessible for public use;

(2) to a restroom in a public building that contains clear and conspicuous signage indicating where a restroom with a baby changing table is located on the same floor of such public building;

(3) if new construction would be required to install a baby changing facility in the public building and the cost of such construction is unfeasible; or

(4) to a building not subject to an alteration as set forth in section 3307.

(c) **DEFINITIONS.**—In this section:

(1) **BABY CHANGING FACILITY.**—The term “baby changing facility” means a table or other device suitable for changing the diaper of a child age 3 or under.

(2) **PUBLIC<sup>1</sup> BUILDING.**—The term “public building” means a public building as defined in section 3301 and controlled by the Public Building Service of the General Services Administration.

(Added Pub. L. 114-235, §2(a)(2), Oct. 7, 2016, 130 Stat. 964.)

#### REFERENCES IN TEXT

The Americans with Disabilities Act, referred to in subsec. (a), probably means the Americans with Disabilities Act of 1990, Pub. L. 101-336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

<sup>1</sup> So in original. Probably should be “PUBLIC”.

#### PRIOR PROVISIONS

A prior section 3314 was renumbered section 3315 of this title.

#### APPLICABILITY

Pub. L. 114-235, §2(c), Oct. 7, 2016, 130 Stat. 965, provided that: “The requirement under section 3314(a) of title 40, United States Code, shall apply in the case of a public building constructed, altered, or acquired by the Administrator of General Services on or after the date that is 1 year after the date of the enactment of this Act [Oct. 7, 2016], beginning on that date.”

### § 3315. Delegation

(a) **WHEN ALLOWED.**—The carrying out of the duties and powers of the Administrator of General Services under this chapter, in accordance with standards the Administrator prescribes—

(1) shall, except for the authority contained in section 3305(b) of this title, be delegated on request to the appropriate executive agency when the estimated cost of the project does not exceed \$100,000; and

(2) may be delegated to the appropriate executive agency when the Administrator determines that delegation will promote efficiency and economy.

(b) **NO EXEMPTION FROM OTHER PROVISIONS OF CHAPTER.**—Delegation under subsection (a) does not exempt the person to whom the delegation is made, or the carrying out of the delegated duty or power, from any other provision of this chapter.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1166, §3313; Pub. L. 109-304, §17(g)(3), Oct. 6, 2006, 120 Stat. 1709; renumbered §3314, Pub. L. 110-140, title III, §323(c)(1)(A), Dec. 19, 2007, 121 Stat. 1590; renumbered §3315, Pub. L. 114-235, §2(a)(1), Oct. 7, 2016, 130 Stat. 964.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3313(a) .....	40:614 (1st sentence).	Pub. L. 86-249, §15, Sept. 9, 1959, 73 Stat. 483.
3313(b) .....	40:614 (last sentence).	

In subsection (a), before clause (1), the words “duties and powers” are substituted for “responsibilities and authorities” for consistency in the revised title and with other titles of the United States Code.

#### PRIOR PROVISIONS

A prior section 3315 was renumbered section 3316 of this title.

#### AMENDMENTS

2016—Pub. L. 114-235 renumbered section 3314 of this title as this section.

2007—Pub. L. 110-140 renumbered section 3313 of this title as this section.

2006—Subsec. (a). Pub. L. 109-304 substituted “The” for “Except for the authority contained in section 3305(b) of this title, the” in introductory provisions and “shall, except for the authority contained in section 3305(b) of this title,” for “shall” in par. (1).

#### EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

**§ 3316. Report to Congress**

(a) REQUEST BY EITHER HOUSE OF CONGRESS OR ANY COMMITTEE.—Within a reasonable time after a request of either House of Congress or any committee of Congress, the Administrator of General Services shall submit a report showing the location, space, cost, and status of each public building the construction, alteration, or acquisition of which—

- (1) is to be under authority of this chapter; and
- (2) was uncompleted as of the date of the request, or as of another date the request may designate.

(b) REQUEST OF COMMITTEE ON PUBLIC WORKS AND ENVIRONMENT OR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The Administrator and the United States Postal Service shall make building project surveys requested by resolution by the Committee on Environment and Public Works of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives, and within a reasonable time shall make a report on the survey to Congress. The report shall contain all other information required to be included in a prospectus of the proposed public building project under section 3307(b) of this title.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1166, § 3314; renumbered § 3315, Pub. L. 110–140, title III, § 323(c)(1)(A), Dec. 19, 2007, 121 Stat. 1590; renumbered § 3316, Pub. L. 114–235, § 2(a)(1), Oct. 7, 2016, 130 Stat. 964.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3314(a) .....	40:610(a).	Pub. L. 86–249, § 11, Sept. 9, 1959, 73 Stat. 481; Pub. L. 96–470, title II, § 211, Oct. 19, 1980, 94 Stat. 2246; Pub. L. 103–437, § 14(b)(2), Nov. 2, 1994, 108 Stat. 4591.
3314(b) .....	40:610(b).	

In subsection (b), the words “United States Postal Service” are substituted for “Postmaster General” in section 11(b) of the Public Buildings Act of 1959 (Public Law 86–249, 73 Stat. 481) because of section 4(a) of the Postal Reorganization Act (Public Law 91–375, 84 Stat. 773). The words “Transportation and Infrastructure” are substituted for “Public Works and Transportation” in section 11(b) because of section 1(a)(9) of the Act of June 3, 1995 (Public Law 104–14, 2:21 note prec.).

## PRIOR PROVISIONS

A prior section 3316 was renumbered section 3317 of this title.

## AMENDMENTS

2016—Pub. L. 114–235 renumbered section 3315 of this title as this section.

2007—Pub. L. 110–140 renumbered section 3314 of this title as this section.

## EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

**§ 3317. Certain authority not affected**

This chapter does not limit or repeal the authority conferred by law on the United States Postal Service.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1167, § 3315; renumbered § 3316, Pub. L. 110–140, title III, § 323(c)(1)(A), Dec. 19, 2007, 121 Stat. 1590; renumbered § 3317, Pub. L. 114–235, § 2(a)(1), Oct. 7, 2016, 130 Stat. 964.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3315 .....	40:615.	Pub. L. 86–249, § 16, Sept. 9, 1959, 73 Stat. 483; Pub. L. 91–375, § 6(m)(3), Aug. 12, 1970, 84 Stat. 782.

The text of 40:615(1) is omitted as obsolete.

## AMENDMENTS

2016—Pub. L. 114–235 renumbered section 3316 of this title as this section.

2007—Pub. L. 110–140 renumbered section 3315 of this title as this section.

## EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

**CHAPTER 35—NON-FEDERAL PUBLIC WORKS**

Sec.

- 3501. Definitions.
- 3502. Planned public works.
- 3503. Revolving fund.
- 3504. Surveys of public works planning.
- 3505. Forgiveness of outstanding advances.

**§ 3501. Definitions**

In this chapter, the following definitions apply:

(1) PUBLIC AGENCY.—The term “public agency” means a State or a public agency or political subdivision of a State.

(2) PUBLIC WORKS.—The term “public works” includes any public works other than housing.

(3) STATE.—The term “State” means a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and any territory or possession of the United States.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1167.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3501 .....	40:460.	Aug. 2, 1954, ch. 649, title VII, § 703, 68 Stat. 641; Pub. L. 90–19, § 10(d), May 25, 1967, 81 Stat. 22; Pub. L. 93–383, title IV, § 401(c), Aug. 22, 1974, 88 Stat. 691.

In this section, the text of 40:460(2) is omitted as unnecessary because the complete name of the Secretary of Housing and Urban Development is used the first time the term appears in a section.

In clause (1), the words “or ‘public agencies’” are omitted as unnecessary because of 1:1.

In clause (3), the words “Guam, the Virgin Islands” are added to clarify that the provisions of the source law apply to those jurisdictions. The words “the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, Palau” are substituted for “the Trust Territory of the Pacific Islands” because of